

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RUPERT A. TRUJILLO,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-11-244-W
)	
H. A. LEDEZMA, WARDEN,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Mr. Rupert Trujillo has filed a petition for habeas relief. Rather than pay the filing fee, Mr. Trujillo moved for leave to proceed *in forma pauperis*. The motion indicates that Mr. Trujillo has \$45.48 in his account, and the filing fee is only \$5.00.¹ Because Mr. Trujillo has adequate funds for the filing fee, the undersigned recommends that the Court: (1) deny the motion for leave to proceed *in forma pauperis*, (2) order payment of the filing fee within 21 days,² and (3) dismiss the action without prejudice if Mr. Trujillo fails to timely pay the filing fee or show good cause for the failure to do so. *See* W.D. LCvR 3.3(e).

The Petitioner is advised of his right to object to this report and recommendation by March 28, 2011. *See* 28 U.S.C. 636(b)(1); Fed. R. Civ. P. 6(a)(1)(C), 6(d), 72(b)(2). If the Petitioner does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Petitioner is further advised that

¹ *See* 28 U.S.C. § 1914(a).

² *See* W.D. Okla. LCvR 3.3(e).

if he does not timely object, he would waive his right to appellate review over a denial of pauper status in the district court. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation terminates the referral.

Entered this 9th day of March, 2011.



Robert E. Bacharach
United States Magistrate Judge